


Application No. 10/052,770  
312 Amendment dated March 3, 2004  
Reply to Notice of Allowance dated December 9, 2003

### REMARKS

The specification has been amended to include the ATCC deposit information. A receipt from ATCC is attached. Claims 1, 9 and 48 have been amended to state the ATCC accession number. No new matter is included in these amendments.

Applicant respectfully requests entry of the foregoing amendments to the specification and claims.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Robert J. Jondle, Reg. No. 33,915				
SIGNATURE				DATE	March 3, 2004
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
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# ATCC

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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**



To: (Name and Address of Depositor or Attorney)

Jondle & Associates PC  
Attn: Robert J. Jondle  
9085 E. Mineral Circle, Suite 200  
Centennial, CO 80112

Deposited on Behalf of: KWS Kleinwanzlebener Saatzeugt AG, 31, D-37574 Einbeck Germany

**Identification Reference by Depositor:**

**Patent Deposit Designation**

Corn, ze mays **KW7606**

PTA-5799

Corn, ze mays **KW7648**

PTA-5800

Ref: Docket or Case No.: 1440-003 and 1440-002

The seeds were accompanied by:    a scientific description a proposed taxonomic description indicated above. The seeds were received February 6, 2004 by this International Depositary Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested February 17, 2004. On that date, the seeds were viable.

International Depositary Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: February 27, 2004

